



11-06-06

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ramesh, et al.

Docket No: 3802-068-27 CIP  
(306229-65)

Serial No.: 10/743,813

Confirmation No.: 1728

Filed: December 24, 2003

Group Art Unit: 1635

For: METHODS AND REAGENTS FOR THE  
ENHANCEMENT OF VIRUS  
TRANSDUCTION IN THE BLADDER  
EPITHELIUM

Examiner: Schnizer, R.A.

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §§ 1.97 and 1.98, Applicant submits herewith patents, publications and/or other information (listed below and/or on the attached Substitute Form PTO 1449) that may be material to the examination of the captioned application, and in respect of which there may be a duty of disclosure as set forth in 37 CFR § 1.56, for consideration and to be made of record in the captioned application by the U.S. Patent and Trademark Office.

1. ☒ In accordance with 37 CFR 1.98, accompanying this Information Disclosure Statement are:

1a. ☒ copies of: (i) each foreign patent listed on the attached Substitute Form PTO 1449; (ii) each publication listed on the attached Substitute Form PTO 1449, or that portion which caused it to be listed, *other than* U.S. patents and U.S. patent application publications; (iii) for each pending unpublished U.S. application, a copy of the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) other information, or that portion which caused it to be listed herein or on the attached Substitute Form PTO-1449 (37 CFR § 1.98(a)(2)); and/or

1b. ☐ a concise explanation of relevancy, or an English language translation, of non-English language publications listed on the attached Substitute Form PTO-1449 (37 CFR § 1.98(a)(3)(i) & (ii)).

2. ☐ Copies of the documents listed on the attached Substitute Form PTO 1449 are not enclosed herewith, because the information was previously submitted to, or cited by, the U.S. Patent and Trademark Office in application Serial No. \_\_\_\_\_, of which the captioned application claims benefit under 35 U.S.C. § 120, and the Information Disclosure Statements submitted in that parent application complied with paragraphs (a) through (c) of 37 CFR § 1.98 (37 CFR § 1.98(d)).

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(b):

3a. ☐ within three months of the filing date of a national application other than a continued prosecution application under 37 CFR § 1.53(d);

3b. ☐ within three months of the entry of the national stage as set forth in 37 CFR § 1.491 in an international application;

3c. ☐ before the mailing of a first Office Action on the merits; *or*

3d. ☒ before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 CFR § 1.114. **Accordingly, no certification or fee is required.**

4. ☐ This Information Disclosure Statement is filed under CFR § 1.97(c) after the period specified by CFR § 1.97(b), but before the mailing date of any of a final Office Action under 37 CFR § 1.113, a notice of allowance under 37 CFR § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of:

4a. ☐ the statement specified in 37 CFR § 1.97(e); *or*

4b. ☐ the fee set forth in 37 CFR § 1.17(p).

5. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified by CFR § 1.97(c), but on or before payment of the issue fee, and is accompanied by both of:

5a. ☐ the statement specified in 37 CFR § 1.97(e); *and*

5b. ☐ the fee set forth in 37 CFR § 1.17(p).

6. ☐ Certification Statement (*applicable if Item 4a or 5a is checked*)

6a. ☐ In accordance with 37 CFR § 1.97(e)(1), the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; *or*

6b. ☐ In accordance with 37 CFR § 1.97(e)(2), the undersigned hereby states that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

7. ☐ Fee Statement and/or Authorization (*applicable if Item 4b or 5b is checked*)

7a. ☐ The fee set forth in 37 CFR § 1.17(p) is:

☐ enclosed; *or*

☐ to be charged to DLA Piper US LLP Deposit Account No. 50-2778 (**Order No.:** \_\_\_\_\_).

8. ☐ Additional materials (*if applicable*)

8a. ☐ a continuation application under 37 CFR § 1.53(b)(1) is filed concurrently herewith;

8b. ☐ a Request for Continued Examination under 37 CFR § 1.114 is filed concurrently herewith; *or*

8c. ☐ a Petition to Withdraw from issue under 37 CFR § 1.313(c)(2).

As specified in 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material information as defined in 37 CFR § 1.56(a) exists.

As specified in 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any information cited herein is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

Moreover, while the patents, publications and/or other information disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, the Disclosure is not intended to constitute an admission that any patents, publications and/or other information included or referred to herein is "prior art" to the captioned application unless specifically designated as such.

It is respectfully submitted that this Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609. Accordingly, consideration of the foregoing and prompt return of a copy of the enclosed Substitute form PTO 1449 with the Examiner's initials in the left column in accordance with MPEP § 609 are respectfully requested.

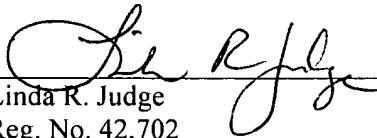
No fees are believed due in connection with the Information Disclosure Statement. However, the Commissioner is authorized to charge any additional required fees, or credit any overpayment, to DLA Piper US LLP Deposit Account No. 07-1896 (**Order No. 3802-068-27 CIP (306229-65)**).

Respectfully submitted,

Date:

11/3/01

**DLA PIPER US LLP**  
**Customer No. 29585**  
Tel: 415/836.2500  
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Linda R. Judge  
Reg. No. 42,702



Express Mail Label No. EV 866301630 US

**TRANSMITTAL  
FORM**

(To be used for all correspondence after initial filing)

<b>Application No.</b>	10/743,813	
	<b>Filing Date</b>	December 24, 2003
	<b>First Named Inventor</b>	Ramesh, et al.
	<b>Group Art Unit</b>	1635
	<b>Examiner Name</b>	Schnizer, R.A..
<b>Total Number of Pages in this Submission:</b>	<b>Attorney Docket No.</b>	3802-068-27 CIP (306229-65)

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input checked="" type="checkbox"/> Substitute PTO Form 1449 <input checked="" type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts Notice/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Combined Revocation and Power of Attorney and 37 C.F.R. §3.73(b) and 3.71 Statements and Request for Change of Attorney Docket Number <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After-Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC ( <i>Appeal Notice, Brief, Reply Brief</i> ) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s):  <input checked="" type="checkbox"/> Return Receipt Postcard
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**Remarks:****Please address all correspondence to Customer Number 29585****The Director is hereby authorized to charge any fees that may be required in connection with the papers submitted herewith that have been inadvertently omitted, specifically including any extension fees that may be required under 37 CFR § 1.136(a), to Deposit Account No. 07-1896 (Charge No. 3802-068-27 CIP (306229-65))****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

<b>Signature</b>		<b>Date</b>	11/2/06
<b>Name</b>	Linda R. Judge	<b>Telephone</b>	415/836.2586
<b>Address</b>	153 Townsend St., Suite 800, San Francisco, CA 94107	<b>Facsimile</b>	415/836.2501



Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/743,813
				Filing Date	December 24, 2003
				First Named Inventor	Ramesh, et al.
				Group Art Unit	1635
				Examiner Name	Schnizer, R.A.
Confirmation No.	1728				
Attorney Docket No.	3802-068-27 CIP (306229-65)				
Sheet	2	of	2		


OTHER DOCUMENTS - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>2</sup>	
			Yes	No
	C1	Supplementary partial European Search report for European patent application No. 03800237.4.		
	C2	CONNOR, R.J., et al., "Identification of polyamides that enhance adenovirus-mediated gene expression in the urothelium", <i>Gene Therapy</i> , 2001, 8:41-48, MacMillan Press Ltd., Basingstoke, GB.		
	C3	ZHANG, J., et al., "Identification of human uroplakin II promoter and its use in the construction of CG8840, a urothelium-specific adenovirus variant that eliminates established bladder tumors in combination with docetaxel", <i>Cancer Research</i> , July 1, 2002, 62(13):3743-3750, American Association for Cancer Research, Baltimore, MD.		
	C4			
	C5			

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation or translation of abstract is attached. SANFI\357950.1